

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **MARY BAIRD & DAVID BAIRD
2908 MT HIGHWAY 297
JUDITH GAP, MT 59455**
2. Type of action **Application To Change An Existing Water Right No. 40A 30107483**
3. Water source name: **Niel Creek**
4. Location affected by project: **The project is located in Wheatland County, East of the town of Judith Gap, Montana.**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The proposal is to add a stock watering system. The proposed system includes an infiltration gallery that appropriates water from Niel Creek and conveys it via a pipeline to one stock tank. The means and point of diversion will change from instream direct throughout a stream reach, to the infiltration gallery located in the NENWSW 28, T11N, R17E. The place of use (tank) is located in the NWSWSW Section 28, T11N, R17E, Wheatland County.
6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

**Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper**

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: **No Significant Impact.**

The source of supply is Niel Creek. Montana Fish, Wildlife, and Parks', MFISH website does not list any information regarding the supply being identified as a chronically or periodically dewatered stream. Niel Creek is predominantly a spring fed source, but also has contributions of water during high flow periods, generally derived from higher elevation snow melt. The addition of stock tanks on the source will not worsen any dewater concerns; the same number and type of stock will be consuming the same amount of water that has historically been consumed.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No Significant Impact.**

The Applicant is adding stock tanks to an existing system. The source has not been listed as a water quality impaired or threatened stream by DEQ. There is a low likelihood that the new system will have a significant impact on water quality.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: **No Significant Impact.**

This project is not anticipated to consume any more water than has been used historically. The flow rate for the application will be changed to 21 GPM and will service the same number of animal units, 360. The source is surface water, therefore no impacts to groundwater quality or supply are anticipated.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: **No Significant Impact.**

The Applicant is adding stock tanks to an existing system. The source of water is an infiltration gallery that conveys approximately 21 GPM in a pipeline. The stock tanks have a float valve system installed and water diversion will stop when the tanks are full. The diversion works are already in place; therefore no impacts that haven't already occurred are anticipated. Channel impacts, impacts to flow modifications, barriers, riparian areas, dams, or well construction are not expected because of this project.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: **No Significant Impact.**

The Montana National Heritage Program lists ten Species of Concern and no plant Species of Concern within Townships 11 North, Range 17 East. The common names for the species include the McCown's Longspur, Long-billed Curlew, Mountain Plover, Northern Goshawk, Hoary Bat, Ferruginous Hawk, Sprague's Pipit, Golden Eagle, Northern Redbelly Dace, and the Berry's Mountainsnail. The USDI Fish & Wildlife Service Website also lists the Canada Lynx as threatened and the Black Footed Ferret as an endangered species. All construction associated with this change is complete; therefore no impacts to any of these species are expected.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **No Significant Impact.**

The National Wetlands Inventory website shows Freshwater Emergent Type Wetlands through a limited portion of the Applicant's claimed place of use. No significant impacts to wetlands are expected from this change application. The wetlands may benefit from the cattle watering away from any riparian areas.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **No Significant Impact.**

This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No Significant Impact.**

Potential cumulative impacts associated with the construction activities could have created a minor impact by disturbing soils to the place of use, but there will be no further impacts than what has already occurred. It is not anticipated that any significant impacts to geology, soil quality, stability and moisture would result from the proposed action because this project is simply to add stock water tanks to an existing system, the project has already been completed, and the addition of stock tanks will limit stock from degrading the riparian areas.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No Significant Impact.**

Construction associated to this project was completed prior to this change application. Any impacts to existing cover will have already occurred. Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities; therefore, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control noxious weeds on their property.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No Significant Impact.**

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal; the system is gravity fed.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: **N/A – project not located on State or Federal Lands.**

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No Significant Impact.**

No additional impacts are anticipated.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No Significant Impact.**

No locally adopted environmental plans or goals have been identified.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No Significant Impact.**

The proposed action is consistent with livestock practices in the area.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: **No Significant Impact.**

No impacts to human health have been identified.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No known impacts.**

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **No significant impact from the additional stock tank.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts : **No secondary impacts have been identified.**

Cumulative Impacts: **No cumulative impacts have been identified.**

3. *Describe any mitigation/stipulation measures:*

No mitigation or stipulation measures have been identified by the Applicant.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

No action alternative: Deny the application. This alternative would result in no change to the existing water right for stock use.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2 Comments and Responses

None Received.

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

Name of person(s) responsible for preparation of EA:

Name: Michael Everett

Title: Water Resources Specialist – LRO

Date: 05/25/2017